

Appl. No. 09/732,259  
Reply to Office Action of May 3, 2004

Attorney Docket No. 12942RRUS01U  
(22171.236)

### **REMARKS**

Claims 1-48 are pending in the application. In view of the remarks which follow, reconsideration is respectfully requested.

#### **Allowable Claims**

Noted with appreciation is the indication in the Office Action that Claims 4, 7, 11-12, 16, 19, 23-24, 28, 31, 35-36, 40, 43 and 47-48 each recite allowable subject matter, and would be allowed if rewritten in independent form. These claims each depend directly or indirectly from one of independent Claims 1, 13, 25 and 37. Claims 1, 13, 25 and 37 are believed to be allowable for reasons discussed below. Accordingly, it is believed to be unnecessary to place Claims 4, 7, 11-12, 16, 19, 23-24, 28, 31, 35-36, 40, 43 and 47-48 in independent form at this time.

#### **Independent Claim 1**

Independent Claim 1 stands rejected under 35 U.S.C. §102 as anticipated by Bedekar U.S. Patent No. 6,603,753. This ground of rejection is respectfully traversed, for the following reasons. Claim 1 reads as follows:

1. A method of scheduling the transmission of data from an access point to a plurality of access terminals serviced by the access point using the corresponding forward communication links between the access point and the access terminals in a CDMA/HDR communications network, comprising:
  - the access point calculating a scheduling parameter for each of the forward communication links and access terminals as a function of a plurality of operating parameters; and
  - the access point scheduling data for transmission to the access terminal having the largest scheduling parameter.

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The PTO specifies in MPEP §2131 that, to anticipate a claim, a reference must teach every element of the claim. Thus, to support the rejection of Claim 1, the Bedekar patent must disclose each and every element recited in Claim 1. It is respectfully submitted that the Bedekar patent fails to do so. For example, in explaining the rejection of Claim 1, the Office Action takes the position that Figure 3 of Bedekar discloses a communications network having an access point in the form of a base station 401, and plural access terminals in the form of users  $X_{D1}$ ,  $X_{D2}$ ,  $X_{D3}$ ,  $X_{D4}$  and  $X_{DN}$ . The Office Action then goes on to assert that, at lines 22-43 of column 8, Bedekar discloses how the base station 401 schedules transmissions to the multiple users  $X_{D1}$ ,  $X_{D2}$ ,  $X_{D3}$ ,  $X_{D4}$  and  $X_{DN}$ . However, this is not what Bedekar is discussing in lines 22-43 of column 8. More specifically, lines 22-43 in column 8 are discussing an arrangement of the type shown in Figure 6A of Bedekar, which depicts three base stations  $E_1$ ,  $E_0$  and  $E_1$ . Noting the sentence which bridges columns 7-8 in Bedekar, lines 22-43 in column 8 are discussing how to schedule "inter-cell" transmissions from each of several base stations such as  $E_1$ ,  $E_0$  and  $E_1$ , rather than how to schedule transmissions from a single base station to multiple users. This portion of Bedekar thus does not teach what the Office Action says it does. As a result, Bedekar does not disclose each and every element recited in Claim 1 of the present application, and therefore does not anticipate Claim 1 under §102. Claim 1 is thus believed to be clearly allowable over Bedekar, and notice to that effect is respectfully requested.

Independent Claim 13, 25 and 37

Independent Claims 13, 25 and 37 each stand rejected under 35 U.S.C. §102 as anticipated by Bedekar U.S. Patent No. 6,603,753, based on the same rationale used to reject Claim 1. These grounds of rejection are each respectfully traversed, for the following reasons. Claim 13 reads as follows:

13. A communications network, comprising:  
a plurality of access terminals; and  
an access point operably coupled to the access terminals by

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a plurality of corresponding forward communication links;  
wherein the access point is adapted to calculate a  
scheduling parameter of each of the forward communication links  
and access terminals as a function of a plurality of operating  
parameters; and  
wherein the access point is adapted to schedule data for  
transmission to the access terminal having the largest scheduling  
parameter.

Claim 25 reads as follows:

25. A computer program for scheduling the transmission of  
data from an access point to a plurality of access terminals serviced  
by the access point using the corresponding forward  
communication links between the access point and the access  
terminals in a CDMA/HDR communications network, comprising  
instructions for:

the access point calculating a scheduling parameter for each  
of the forward communication links and access terminals as a  
function of a plurality of operating parameters; and

the access point scheduling data for transmission to the  
access terminal having the largest scheduling parameter.

Claim 37 reads as follows:

37. A communication s network, comprising:  
a plurality of access terminals;

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an access point operably coupled to the access terminals by  
a plurality of corresponding forward communication links;  
means for calculating a scheduling parameter for each of  
the forward communication links and access terminals as a  
function of a plurality of operating parameters; and  
means for scheduling data for transmission to the access  
terminal having the largest scheduling parameter.

As discussed above in association with Claim 1, Bedekar does not disclose what the Office Action says it does. Therefore, for reasons similar to those discussed in association with Claim 1, it is respectfully submitted that Bedekar fails to disclose each and every element recited in Claim 13, in Claim 25 and in Claim 37, and thus does not anticipate any of Claims 13, 25 and 37 under §102. Accordingly, Claims 13, 25 and 37 are each believed to be clearly allowable over Bedekar, and notice to that effect is respectfully requested.

#### Dependent Claims

Claims 2-3, 5-6 and 8-10 depend from Claim 1 and are also believed to be distinct from the art of record, for example for the same reasons discussed above with respect to Claim 1. Claims 14-15, 17-18 and 20-22 depend from Claim 13, and are also believed to be distinct from the art of record, for example for the same reasons discussed above with respect to Claim 13. Claims 26-27, 29-30 and 32-34 depend from Claim 25, and are also believed to be distinct from the art of record, for example for the same reasons discussed above with respect to Claim 25. Claims 38-39, 41-42 and 44-46 depend from Claim 37, and are also believed to be distinct from the art of record, for example for the same reasons discussed above with respect to Claim 37.

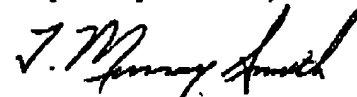
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Conclusion

Based on the foregoing, it is respectfully submitted that all of the pending claims are fully allowable, and favorable reconsideration of this application is therefore respectfully requested. If the Examiner believes that examination of the present application may be advanced in any way by a telephone conference, the Examiner is invited to telephone the undersigned attorney at 972-739-8647. Although Applicants believe that no fee is due in association with the filing of this Response, the Commissioner is hereby authorized to charge any fee required by this paper, or to credit any overpayment, to Deposit Account No. 08-1394 of Haynes and Boone LLP.

Respectfully submitted,



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Enclosure: None

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